

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

BRANDA OLUSHOLA,

Plaintiff,

v.

No. 4:24-cv-0510-P

**TARRANT COUNTY HOSPITAL
DISTRICT, D/B/A JPS HEALTH
NETWORK**

Defendant.

ORDER

Before the Court is the Findings, Conclusions, and Recommendation (“FCR”) of the United States Magistrate Judge in this case. ECF No. 5. In it, the Magistrate Judge recommends that the Court dismiss this case because the instant suit is Plaintiff’s attempt to “take a second bite at the apple” by instituting a new lawsuit rather than appeal this Court’s decision in 4:22-cv-704. Plaintiff timely filed an objection, and the Court now reviews the FCR de novo.

Plaintiff originally filed suit against this Defendant in 4:22-cv-704-P. There, United States Magistrate Judge Jeffrey Cureton recommended that this Court dismiss the action because Plaintiff pled her claim under the wrong statute. ECF No. 5 at 1 (ECF No. 31 in 4:22-cv-704-P). In this suit, Plaintiff alleges a nearly identical claim for discrimination, adding only that her prior suit should have never been dismissed. ECF No. 1. She still failed to plead her claim under the correct federal statute. *Id.*; ECF No. 5 at 1, 2.

Plaintiff’s objection to the FCR in this matter allege that her suit cannot be dismissed because she has a pending motion for this Court to recuse. ECF No. 7. In that motion, Plaintiff alleges that, because Magistrate Judge Cureton and the Undersigned District Judge have dismissed her action before, that they must harbor some prejudice against her personally. ECF No. 4. This is simply not the case, because

whether a judge agrees with a plaintiff's version of the facts of her case is not evidence of prejudicial animus toward the viability of that plaintiff's legal claims—and is not a ground for recusal. Accordingly, Plaintiff's motion to recuse (ECF No. 4) is **DENIED**. And Plaintiff's objections to the Magistrate Judge's FCR in *this* case are **OVERRULED**.

Accordingly, having conducted a de novo review of the Magistrate Judge's FCR, the Court **AFFIRMS** the Findings and Conclusions therein and **ADOPTS** its reasoning. This matter is **DISMISSED with prejudice**.

SO ORDERED on this **26th day of June 2024**.

A handwritten signature in black ink, reading "Mark T. Pittman". The signature is written in a cursive, flowing style. The first name "Mark" is written with a large, stylized 'M'. The middle initial "T." is written with a simple 'T' followed by a period. The last name "Pittman" is written with a large, stylized 'P' and a long, sweeping underline that extends across the signature.

Mark T. Pittman
UNITED STATES DISTRICT JUDGE